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PANEL: Trends in Labor Management: Issues at Historically Black Colleges and Universities

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The uniqueness of Historically Black Colleges and Universities make achieving collective bargaining on these campuses problematic. All but a handful of black colleges are located in the south, a region with a well-established aversion to organized labor. The South's history of plantation slavery coupled with feudal peonage labor and Big Mule politics is antithetical with notions of fair wages, reasonable benefits and work hours, and safe working environments. Something similar can be argued about shared governance on the campuses of HBCUs where labor trends favoring union representation of staff trails the success achieved on many Historically White Colleges and Universities during the last two decades.

I am a professor and union leader in the Birthplace of the modern civil rights movement. People often forget about the important partnership between civil rights and labor unions. After all, Dr. Martin Luther King, Jr. went to Memphis in April 1968 to support a strike by city sanitation workers. Dr. King understood that the first inequity enslaved black folk faced in North America, and elsewhere, was inequities of labor relative to wages and work conditions. Despite Alabama's early labor organizing with coal miners, steel workers, dock workers, just to name a few, the. Historian Wayne Flynt recently editorialized that when Democratic Redeemers took over the state in 1875, the party fixed its attention on low taxes, banishing labor unions, and bolstering cheap labor including the nefarious convict lease system (*Montgomery Advertiser*, 2 February 2014). Their work was completed in 1953 when the Democratically-controlled Alabama Legislature passed the state's Right to Work Law. Today, proponents want to inoculate this law by amending the Alabama Constitution—Senate Bill 127.

In his oft cited article, "Shared Governance on Black College Campuses," Ivory Paul Phillips points out the nine most common issues undermining share governance: Lack of faculty representation on policy and decision making bodies; academic personnel searches and hiring; faculty governance; promotion and tenure procedures; peer and administration evaluations; salary determinations; program development, review and revision; faculty handbook evaluation

and review; administrative transparency; respect of faculty senate and other faculty constitutive bodies (*Academe*, July-August 2002).

By definition, Historically Black Colleges and Universities, hereafter, HBCUs, were created in the wake of the Civil War to educate newly freed enslaved African Americans. Most began as normal schools and teacher training institutions. Currently, of the 105 HBCUs, all but four are located in the south which maintained them as segregated schools. Seven of the 105 HBCUs reside in Alabama; two are public and five are private. The privates include Tuskegee University, Stillman College, Oakwood College, Miles College, and Talladega College. The latter was the “first American college for Negroes authorized to confer the baccalaureate degree.” The two publics are Alabama A & M University and Alabama State University, ASU. Once known as The State Teachers College at Montgomery, ASU “was the largest and oldest teacher training institute for Negroes” (*The Education Bulletin*, 1943). It became The Alabama Colored People’s University in 1887—a misnomer since the school did not award its first Bachelors’ degree until 1934. The state subsequently renamed the school the Alabama State College for Negroes, dropping the racial distinction in June 1954 one month after the U.S. Supreme Court ruled that racially segregated schools violated the Equal Protection Clause of the U. S. Constitution.

HBCUs are not an anachronism. Black colleges and universities represent 3 percent of all colleges and universities, yet graduate 20 percent of all African Americans who receive Bachelor degrees. They also produce the majority of Black women in STEM fields and turn out the majority of Black K-12 teachers. Howard University alone has produced more African American Ph. D’s, lawyers, and architects than any other institution (*New York Times*, 4 February 2013). As one interlocutor opined, “Public four-year HBCUs are the only sector in which blacks consistently approach or achieve parity in enrollment and degree completion across the 19 states” that formerly and formally maintained racially segregated colleges and universities... HBCUs do the lion’s share...of educating blacks and only receive a fraction of the state funding...” (Gasman, *Comprehensive Funding Approaches for Historically Black Colleges and Universities*).

The history of *de jure* segregation and white racism enveloped HBCUs through much of their existence. By every measurement, the curricula, infrastructure, and endowments at most HBCUs pale in comparison to their Traditionally White Institutions or TWIs. Eleven years after its founder’s death, Tuskegee Institute in Macon County, Alabama was the nation’s wealthiest HBCU with an endowment of \$5,549,398. Three of the wealthiest industrial tycoons sat on Tuskegee’s board; namely, Andrew Carnegie, Julius Rosenwald, and William H. Baldwin, Jr.

The lesson of “forty acres and a mule” is the lesson of economic viability and sustainability. The 1954 landmark Brown v. Board of Education decision ended legally

segregated school houses; Brown did not create financially equal colleges and universities. In the former Confederate South, plaintiffs of HBCUs in Tennessee in 1968 and in Mississippi in 1975 sought redress and economic parity with their white counterparts in the federal courts. These cases extended the reach of Brown onto college campuses. Autherine Lucy's admission to the University of Alabama in 1956 became the first test of Brown for higher education. The school expelled Lucy for her own *protection* but seven years later, Vivian Malone, became the first African American to graduate from the University of Alabama. Collectively, the federal decisions in Geier, Ayers, Fordice sought to eradicate *de jure* and *de facto* segregation "root and branch."

One of the last higher education desegregation decisions is Knight v. Alabama decided in 1995. It argued, in part, that Alabama had historically given disproportionately more monies to its two state white flagship public universities; namely, the University of Alabama and Auburn University than its two Black flagship public universities; namely, Alabama A & M and Alabama State University. The Knight federal decree ended in 2006, but before it did, ASU created its first-ever doctoral programs, added a College of Health Sciences as well as undergraduate and graduate degrees in Forensic Sciences. And while as Reverend Jesse L. Jackson likes to say, "A rising tide lifts all boats," A & M and ASU did not reach financial parity with UA and Auburn. During this growth period, ASU also constructed a \$60 million dollar football stadium, a suite style dormitory, baseball, softball, and soccer fields, a Life Science building, and a College of Education. And like the once beleaguered Delaware State University under President Allen L. Sessoms, who hoped athletics would be a panacea or a "Field of Dreams" to boost the university's enrollment; the jury is still out as to whether ASU's mega investment in sports will pay similar dividends (*Chronicle of Higher Education*, 2005). What we can say is that many faculty members are dubious about any Bonanza and wonder if the Board of Trustees mortgaged university academics for athletics .

Today, Howard University, Spelman College, and Hampton University are the three wealthiest HBCUs with endowments of \$513,667, \$327,171, and 254,103, respectively (<http://hbcumoney.com/2014/02/03/2013-hbcu-endowments/>). Alumna giving is pivotal; alumna giving averages 13 percent nationally, but for HBCUs only 8 percent give back on a regular basis. Too many HBCUs wait until students graduate before they ask for money. Howard, Spelman, and Hampton inculcate philanthropy in their students in their first year. HBCUs entering the twentieth second century will have successful fundraising to thank. Too many Black schools "depend upon the kindness of strangers." Cutbacks in state appropriations, more stringent borrowing requirements for federal and federally-backed student loans means HBCUs have had to look elsewhere for funding streams.

Too many HBCUs use the bond market to make up the shortfalls for state funding and alumni giving. Take ASU for example, it had \$172 million in bond debt in 2008. An interview with Fiscal Vice President Freddie Gallott, Jr. revealed that “ASU borrowed \$35 million in 2009, \$37 million in 2008, and \$41 million in 2006” (<http://blackcollege.blogspot.com/2009/10/ala-state-carrying-172m-in-debt.html>). The debt/endowment ratio impacts all areas of the university. As former ASU Board Chairman Joe Reed told me when remarking about the school’s \$12 million annual debt service, “You’ll never get a raise.” Increasing the school’s indebtedness is a Catch 22 proposition; if prospective students find school facilities subpar they might choose to attend another school. The state of Alabama does not allocate funds for physical plant maintenance and upkeep, a critical problem for the nineteenth and early twentieth century buildings found on many HBCU campuses. As former director of the White House Initiative on HBCUs and now Morehouse College President Dr. John S. Wilson argues that Black colleges and universities need to “build operational and academic ‘scaffolding’ required for institutional robustness...and endowment growth” (Gasman, “Comprehensive Funding Approaches...”).

As a former faculty senate chairman and as a current union president, I know firsthand the paternalism shown by university administration and board of trustees to faculty and staff. Former chairman of the ASU Board of Trustees Dr. Joe L. Reed unabashedly quipped to a faculty senator, “Shared governance does not mean shared government.” In fact, these differences gave birth to The Faculty-Staff Alliance at Alabama State University, the only higher education affiliate of the American Federation of Teachers, AFT, in Alabama. Inadequate funding at HBCUs often materializes in underpaid employees, deferred maintenance, and overwrought workers.

One might assume Black campuses would be fertile ground for union activism but the converse is true. Currently, AAUP or the American Association of University Professors, represent five HBCUs: Delaware State University, Edward Waters College in Florida, Central State University in Ohio, Wilberforce University in Ohio, and Lincoln University—the oldest HBCU—in Pennsylvania. AFT and NEA, National Education Association, jointly represent Florida A & M University. More than half of all HBCUs are publicly-supported which would allow organizing campaigns on their campuses. The 1980 U.S. Supreme Court ruling NLRB v. Yeshiva precludes private HBCUs from forming a union.

When the NLRB approved in 2002 the right of LeMoyne-Owen College, a Church of Christ HBC in Tennessee to organize, the faculty and staff did so thinking “a union would give them more of a voice in decisions at the college” after the college laid off twenty-four staff members “without consulting the faculty” (*Chronicle of Higher Education*, 2002). A federal

court ruled against the NLRB's decision in 2004 effectively thwarting the chances of LeMoyne-Owen faculty to unionize.

In his 1993 Rutgers University dissertation, Gregory Michael Scott ponders unionization at a fictive HBC, Eastern State College. His theses, "Faculty Unionization at a Black Public College: A Case Study in the Evolution of Academic Governance" is uncanny for its realistic depiction of conditions found on many HBCU campuses. HBCU administrators are loathed to admit any foibles or failures. Consider the brouhaha when a letter written by Howard University Board of Trustees Vice-Chairwoman Renee Higginbotham-Brooks to fellow board members found its way to the press. She assailed former Howard University President Sidney Ribeau for ineffectual leadership pointing out his tenuous handling of Howard's dire finances. In point of fact, Higginbotham-Brooks noted the drain of the Howard University Hospital on the university budget. She also argues that the 5,000 university employees are unsustainable (*Chronicle of Higher Education*, 7 June 2013).

Howard's predicament fits squarely within the narrative told by Scott and justifies why faculty at as Eastern State College believed unionizing was their best chance to influence important decisions on campus. On Scott's make believe campus, the faculty worried about "a legislative decision to use a newly constructed predominantly white college to take over the older black college" (p. 2). Tennessee State University faced those real circumstances when the state constructed the University of Tennessee at Nashville (UT Nashville) to, according to TSU, siphon white students from the Black campus spurring [Rita] Geier the named plaintiff in a desegregation lawsuit that tried to enjoin UT Nashville from usurping TSU. Geier v. University of Tennessee became "a benchmark for higher education reforms across the south" (*Vanderbilt Lawyer*, Vol. 40, No. 2). Scott argues "the study of unionization requires that attention be focused directly upon the processes associated with the emergence, development, and evolution of the faculty's role in governance" (p. 13).

Certainly, the felt lack of participation in decisions impacting faculty and staff at ASU impelled the former to form a union against the great odds of success. In Scott's fictive school, faculty "seldom received responses from the president. The president controlled appointments to faculty committees as well as recommendations for promotion and tenure. A 12-member group of senior Black faculty composed of administrators, department chairmen, and teaching faculty, collaborated with the president to dominate the college's decision making." While reality is sometimes stranger than fiction, Scott's narrative is plausible and fits what happened between ASU faculty and administration to a tee.

The ASU Faculty Senate and the General Faculty of Alabama State University, respectively, represent faculty members. A Non-Teaching Staff Council also exists. The ASU Board of Trustees allow the Senate and Non-Teaching Staff five minutes during the three

regular Board meetings in September, December, and May to appraise the Board of concerns. Otherwise, the Senate redresses matters with the President and the Provost on an ad hoc basis. Administrators and trustees sometimes accuse the Senate of rabble rousing and perfidy while some faculty believe the Board and Administration think faculty should “speak only when spoken to.” The Administration emphasizes the importance of protocol and decorum translated as mealy-mouth faculty. Because department chairs and college deans are often chosen by the administration and not by the departmental or college faculty, some faculty believe the administration selects chairs and deans based on fealty to the administration and not based on their advocacy for the faculty. Bargaining might be one way to mitigate such impasses. Aside from working conditions, pay disparities remain a perennial conundrum.

When ASU hired faculty in the Knight decreed programs of Health Science and the Education Leadership, Policy, and Law, it paid these faculty members salaries at or above the national average while the vast majority of faculty on campus earned salaries below the state and national average. Some believe the university’s generosity was colored by its interest to attract minority—read white—faculty members to these programs. Consequently, the faculty in the new programs assumed lower paid faculty did not merit higher salaries or assumed that the new programs and faculty enhanced the school. A former dean of the College of Health Sciences asked me if it would make a difference that she and her faculty were paid princely salaries because ‘they raised the prestige of the university.’ Such conceit is almost expected though nonetheless annoying.

HBCUs find themselves at crossroad; only about 8 percent of Black high school graduates apply for admission at HBCUs leaving these schools in some cases to seek international as well as minority students. Because of racial stigmas, attracting such students is sometimes a hard sell. The fact that most HBCUs remain mostly Black is not by design or deceit. Dr. Martin Luther King, Jr. often remarked that legislatures can protect a person against discrimination; laws cannot make people like each other. In Plessy v Ferguson, Chief Justice Henry Billings Brown opines, “If the two races [Whites and Negroes] are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other’s merits...” The question unanswered by Justice Brown is how does one foster natural affinities? In 1996, ASU implemented a **Minority Scholarship** which paid tuition, room and board, books and fees for minority students for four years. The initial scholarship application had “FOR WHITE STUDENTS ONLY” written in bold print on its cover. A document written by the university justified the racial exclusivity of the scholarship as “necessary to remove the perception of inferiority” begging the question, “whose perception?”

ASU’s faculty is arguably the most culturally, racially, and ethnically diverse of any public university in Alabama which did not happen by serendipity. I imagine A & M can make a similar

claim. The federal district court in Knight ordered all white public universities in Alabama to either reveal or create a plan to diversify their faculty. The efforts have been half-hearted and the results are token at-best. Benign neglect is never benign.

Outside of the Black Church, the second most significant entity of Black folk is the Historically Black College and University. It is impossible to imagine Black progress and achievement without these schools. They produced our most important teachers, scholars, musicians, artists, writers, politicians, ministers, scientists, physicians, athletes, and the list goes on. Gregory Scott argues, “Faculty unionization at a historically Black public college suggest the need to understand the extent to which it was caused by forces associated with desegregation.” What Scott does not say is that HBCUs, public and private, have never racially-discriminated in their admissions. Moreover, public HBCUs like public primary and secondary schools in the south, as W. E. B. Du Bois reminds us, were largely “a Negro idea” (*Black Reconstruction*, p. 638). Provocateur Henry Louis Gates Jr. surely raised the pique of HBCU graduates when he opined, “It would have been impossible for Barak Obama to go from a historic black school to become president, a broad swath of America had to be able to identify with him” (*New York Times*, 26 July 2009). One could question whether Columbia and Harvard Universities removed any and all “perceptions of inferiority” associated with HBCUs a la ASU’s **Minority Scholarship**. The fact that only 8 percent of Black high school graduates choose to attend selective HBCUs such as Howard, Hampton, Spelman, and Morehouse is not because these schools are mediocre or that their faculty is substandard. It seems that in 2014 we have not overcome the prejudice Dr. King hoped would be eradicated for his own children, where black students attending HBCUs are judged by “the content of their character and not the color of their skin.” The late poet Audre Lorde noted at the Second Sex Conference held at New York University in 1979, “The Master’s Tools will never dismantle the Master’s House... What does it say when the tools of a racist patriarchy are used to examine the fruits of that patriarchy? It means that only the narrowest parameters of change are possible and allowable.” HBCUs provide black folk with a toolbox for self-critique and critique of a society yet to achieve equal justice, equal protection, and equal opportunity for all of its citizens.

Social Darwinism will likely determine which of the current 105 HBCUs will survive by the middle of this millennium. Schools under visionary, energetic, and courageous leaders with boards of trustees or supervisors who see their roles as rainmakers and not haymakers will thrive and flourish. Gone are the days where a HBCU president can run his school like a bad Black Baptist Church in which power is concentrated in the pulpit, no women are allowed in the pulpit, homophobia is masked by hypocrisy, leadership is defined by patriarchy and parochialism, and where young people see the institution as archaic. Staff and student demographics at HBCUs are more diverse, these campuses are less insular and schools are accountable to state taxpayers or church hierarchies. The office of the president is not an

absolute monarchy and absolute power does corrupt absolutely. HBCU campuses that promote staff growth, value difference and different opinions, treat all with dignity and respect, are frugal, are magnanimous when criticized, and have zero tolerance for misfeasance and malfeasance will be trend setters for millenniums to come. Maintaining the public's trust is *sine qua non* and HBCU presidents and boards should practice the highest level of ethics, fiduciary responsibility, and good stewardship.

Since January 2013, Alabama State University has been embroiled in investigations by the state and federal governments over alleged wrongdoing by administrators and trustees either through omission or commission. Of course, all accused are presumed innocent until proven guilty. Moreover, such scandals are not unique to HBCUs and should not overshadow the good work done on the vast majority of campuses untainted by these imbroglios. However, the potential long-term harm to ASU in terms of legal fees, loss grants and revenues, loss of students, impugned reputation, and public scrutiny are incalculable.

(http://blog.al.com/wire/2013/10/forensic_audit_alleges_family.html)

HBCU leaders should not try to finesse wrongheaded decision or obfuscate inappropriate actions. The public is less empathetic to ad hominem charges of vendettas. Few people believe straw men are responsible for these incidents or that underlings can engage in errant activities unbeknownst to their supervisors. It is clear that the public refutes the notion that petit offenses are innocuous. The public believes it is wrong to falsify one's credentials and if discovered, one should lose her/his job a la Manhattan College men's basketball coach and South Florida University.

Dr. Benjamin E. Mays once said that any college can teach a man how to think, but that Morehouse taught men how to think and live. Some might find Dr. Mays's words too didactic or sermonizing, but what Dr. Mays spoke of is character and that one of the roles of education and one of the missions of HBCUs is self-improvement.